



NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES

Policy Manual

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Chapter:	A	Human Resources	Revised Date: 6-13-2022
Subchapter:	2	Work Hours	
Issuance:	300	ALTERNATE WORKWEEK PROGRAM	

Purpose:

This issuance establishes policy and procedure related to governing employees participating in the New Jersey Department of Children and Families' Alternate Workweek Program (AWP). This policy applies to all full- and part-time employees in the classified, unclassified, and senior executive service.

Authority:

- N.J.S.A. 13:1B-3
- N.J.S.A. 13:1D-2
- N.J.A.C. 4A: 6-2.7
- N.J.A.C. 4A:3-5.3(d)

Policy:

- A) The Department will offer a discretionary Alternative Workweek Program. The program provides eligible employees with one (1) day-off every pay period by compressing their schedules into longer hours on the remaining workdays of the same pay period, subject to the appropriate approvals.
- B) All full-time employees in the Department will be eligible to apply for participation, except for:
 - 1) employees in trainee titles,
 - 2) employees participating in the Telework pilot program, or
 - 3) employees working a flextime schedule pursuant to [DCF-III-A-2-200](#), **Flextime**.

- C) Full-time employees of the Department, not excluded under (B) above, shall be eligible to apply provided the following criteria are met:
- 1) Participation will not adversely affect the operations of the Department, Division, Office or Unit, employee work performance, staffing patterns, or the health and safety of staff;
 - 2) Participation will not result in the Department incurring costs for overtime to ensure an adequate level of coverage or in other situations that would result in increased costs to the Department; or
 - 3) Participation in the program will not result in a disproportionate number of employees in a work unit being out on the same day or a disproportionate number of employees in a specific title or function being unavailable on the same day or times. If there is a conflict, the employee with the most State seniority will have preference.
- D) The following exceptions and restrictions to participation will apply.
- 1) Participants are limited to one (1) AWP day-off per pay period.
 - 2) Participants must work within the [core hours](#) of 7:00 am to 7:00 pm.
 - 3) The Department reserves the right to limit participation in certain divisions, offices, or work units based upon operational needs or mandated obligations of these programs.
 - 4) The Department retains the right to require changes to schedules or terminate participation in the AWP based upon the operational needs of the Department. Affected employees shall be provided with minimum written notice of at least one (1) pay period, except in the event of a time-sensitive matter. When time-sensitive matters arise, participating employees may be required to work on their regular AWP compressed days and the compressed day moved to another day during the same week or pay period.
 - 5) If an employee transfers to a new unit or is appointed to a new title, the employee will revert to a regular non-compressed pay period. The employee may reapply for the AWP program provided all of the required criteria in Section C (1-3) are met.
 - 6) Participating employees will be permitted to return to their normal work schedule with minimum written notice of at least one (1) pay period to the Department. This notice period may be waived in the event of a time-sensitive matter.
 - 7) All approvals will be for a maximum period of one (1) year unless otherwise notified.
 - 8) Approval for an AWP schedule shall not be unreasonably withheld.
- E) Exclusionary Criteria

1. If an employee goes on a continuous leave with or without pay or incurs any unauthorized absences, the employee shall be removed from AWP. An employee being on intermittent leave under the Family Medical Leave Act (FMLA) shall not be the sole reason to deny AWP.
 2. Employees who have exhausted all vacation and administrative leave balances will be excluded from AWP. Likewise, employees who exhaust leave balances during the program will be removed from AWP. Employees may reapply for the AWP program upon return of benefit time.
 3. An employee who is subject to disciplinary action for any reason may be excluded or removed from the AWP at the discretion of the supervisor or Cost Center Manager and the Office of Employee Relations.
 - i. An employee who is excluded or removed from AWP for a disciplinary action may reapply one (1) year after the issuance of a Final Notice of Disciplinary Action or settlement agreement with the approval of the Office of Employee Relations.
 1. Examples of conduct that may result in disciplinary action include but are not limited to employee's attendance and/or tardiness record, suspension without pay, failure to submit timesheets as required, or poor work performance.
 4. An Electronic Performance Assessment Review (ePAR) final rating of less than satisfactory (below "2") issued in the period immediately preceding the AWP enrollment application or during participation in AWP may result in exclusion or removal from the program. However, should the performance improve to the point that the employee is rated satisfactory (rating of "2" or above), an employee may submit a request to their Cost Center Manager and to the DCF Office of Human Resources for approval to be readmitted to AWP. Such requests will not be unreasonably denied.
- F) Inclement Weather and Government Shutdown with AWP
1. In accordance with the State's inclement weather policy, if the Governor issues an Executive Order excusing non-essential employees from reporting to work on a participant's AWP day-off, the employee will not be credited with an additional AWP day-off.
 2. If a delayed opening occurs due to inclement weather (e.g., delayed opening of two (2) hours), the AWP employee must begin work two hours after their normal starting time for that day and then follow the employee's established AWP schedule. For example, if there is a 2-hour delayed opening and the employee is scheduled to work for 8 hours from 8:00 am to 5:30 pm, they would need to arrive at work by 10:00 am and charge 2 hours to the CLOSING job number and charge 6 hours to their regular job

number. If it is their AWP day-off, they will not charge any time to the CLOSING job number, nor will they receive an alternate day-off.

3. In the event of a government shutdown, AWP will be suspended for the duration of the shutdown. Any employee that is designated business essential and is a participant in AWP will be required to report to work during their normal work hours to ensure essential business coverage. AWP will not be available during this time.

G) Overtime/Compensatory Time with AWP

- 1) Civil Service Commission assigned workweeks for affected titles, for example 35 or 40, shall be retained.
- 2) Pursuant to N.J.A.C. 4A:3-5.3(d), overtime or compensatory time will be earned by employees whose titles are assigned to 35 or 3E workweeks and who work more than 70 hours in a pay period.
- 3) Overtime and compensatory time will be earned by employees whose titles are assigned to the 40, 4E and NE workweek and who have worked more than 80 hours in a pay period.
- 4) Overtime must be pre-approved.

H) General Disclaimer

- 1) The Department's offer of AWP shall not infringe on any rights guaranteed to management in the collective negotiation agreements, applicable State and/or federal regulations, especially regarding the Department's ability to set schedules or shifts.
- 2) If management must remove an employee from participating in AWP or alter an employee's approved AWP day-off, the employee will receive at least two (2) weeks' written notice, except in the case of a bona fide emergency. This removal or alteration can take place at any time regardless of how long the employee has participated in AWP. Similarly, if an AWP participant wishes to exit the program, the employee must provide management with at least two (2) weeks' written notice.

I) AWP Eligibility

- 1) AWP participation will be extended to full-time employees.
 - i. Employees designated as 35, 3E, NE and NL must work 70 hours over 9 days in a pay period, and under AWP may choose between working a schedule that calls for 7 days at 8 hours per day and 2 days at 7 hours per day, or a schedule that calls for 5 days at 8-hours per day and 4 days at 7.5 hours per day.
 - ii. Employees designated as 40, 4E and N4 must work 80 hours over 9 days in a pay period and, under AWP, must work 5 days at 8 hours per day in one of the weeks during a pay period and 4 days at 10 hours in the other week during the same pay period.

- 2) Approval to participate in AWP is granted based upon the participant's specific title and organizational location. As such, if an employee's title or location changes because of demotion, promotion, reassignment, reduction-in-force or any other administrative procedure, then the employee will have to refile for approval to participate in AWP.
- 3) An employee's attendance and/or tardiness record is sufficient grounds to exclude or remove an employee from AWP.

J) AWP Application

1. AWP is not a rolling enrollment program. Eligible employees may apply for AWP during the program's yearly application period (October 1st to November 15th). Employees may also apply for participation in AWP during the programs mid-year application period (April 1st to May 15th). New employees will have the option to enroll at the time of hire.
2. For the inaugural year of the DCF AWP program, eligible employees may apply during the initial implementation period to coincide with target start date of the Pilot Telework Program.
3. AWP applicants must complete and submit to management an [AWP Workweek Program Application](#).
4. Applicants are strongly encouraged to apply early during the AWP application periods to provide management adequate time to review applications and assess operational impacts.

K) AWP Scheduling

1. Management may restrict start and end times within work units due to operational considerations, work requirements, and availability of supervisory personnel. Management retains the rights to change AWP schedules, during a specific pay period(s), and/or terminate participation in the program due to operational needs by providing employees with two (2) weeks' written notice.
2. In co-located work sites, management from each program area may coordinate schedules, if necessary, to share supervisory oversight. A "person in charge" or supervisory designee may serve as supervisory coverage.
3. When possible, the applicant's first choice of AWP day-off will be granted. If there are more requests for a particular day-off in a work unit than can be granted, the matter will be resolved on the basis of State seniority.

L) Time off with AWP

- 1) If an employee is required to take a leave of absence with or without pay for 10 days or more or goes on a leave of absence with pay that leads to a leave without pay (e.g., pregnancy disability followed by planned childcare leave), the employee will be removed from the AWP. To re-enroll upon

their return to work, the employee must complete and submit an updated application.

- 2) Participants who take leave time must charge the number of hours they were scheduled to work according to their approved AWP scheduled (e.g., if an employee calls in sick on a day on which they were scheduled to work 8 hours, their sick leave account will be reduced by 8 hours).

M) Holidays with AWP

- 1) During pay periods that include a holiday, participating employees must use vacation, AL or XP leave time to make up the difference between the seven hours (or 8 if in a 40-hour workweek) of holiday pay and the number of hours they are scheduled to work that day. They may not alter their work schedules on other days to make up the time; however, they may choose to opt out of AWP for the pay period with supervisory approval.
- 2) During pay periods that include a holiday, participating employees who have insufficient benefit time (vacation, AL or XP) during any pay period to make up the difference between the seven hours (or 8 if in a 40-hour workweek) of holiday pay and the number of hours they are scheduled to work that day must opt out of the AWP for the pay period or the remainder of the calendar year. They may not alter their work schedules on other days to make up the time.
- 3) If a holiday occurs on an employee's regular day off, he or she shall be granted an additional day off consistent with operational needs.
- 4) If an employee has an AWP day-off on the Friday preceding a Monday holiday in the next pay period, they must be in paid status on the Thursday preceding the holiday to be paid for the holiday.

Procedures:

- 1) Employees shall:
 - a) Complete the [AWP application and certification](#) as required by this policy;
 - b) Employees may not transition their regular work schedule to a compressed pay period until the Cost Center Manager approves the change.
 - c) Strictly adhere to the approved AWP work schedule, including established day(s)-off and established hours of work; and
 - d) Timely submit all time reports via eCATS.
- 2) Supervisors shall be responsible for:
 - a) Reviewing the attendance records of employees requesting AWP participation to ensure proper inclusion into the program;

- b) Reviewing all requests for approval and ensuring that participation will not interfere in the operational needs of the unit or program;
 - c) Advising the Cost Center Manager of any operational need to suspend AWP participation during certain months or peak periods of workload activity, in order to maintain operational effectiveness or to meet program mandates;
 - d) Ensuring participating employees adhere to alternate work schedule, established hours of work, and to any management directives regarding AWP participation;
 - e) Monitoring attendance, tardiness records, and performance to ensure continued suitability of participation and advising when/if there is suspected abuse of the program or other problems which may require removal from the program or disciplinary action; and
 - f) Directing all employees to submit time reports via eCATS on a timely basis.
- 3) Cost Center Manager shall be responsible for:
- a) Ensuring that approval for participation is evaluated based upon operational needs of the work unit and takes into consideration leaves and/or furloughs already approved for other staff to maintain appropriate staff coverage to adequately serve or protect the public;
 - b) Reviewing all requests for participation in the AWP, recommending approval/disapproval, providing a reason for disapproval, and noting any limits to participation for division directors/administrators;
 - c) Ensuring that all applications are given full and fair review and alternate scheduling options are considered if the requested schedule poses a problem;
 - d) Approving or disapproving AWP submittals; and
 - e) Advising the Offices of Human Resources and Employee Relations if there is suspected abuse of the program or if participation in AWP is impacting operational effectiveness during certain months or peak periods of workload activity to maintain operational effectiveness or to meet program mandates.
- 4) Office of Human Resources or designee shall be responsible for:
- a) Establishing an appropriate avenue for resolving disputes over AWP exclusions.
 - b) Confirming years of State service for the purpose of establishing seniority.

Key Terms (Definitions):

- Alternate Workweek Program Schedule (AWP) means approved optional, compressed work schedules that vary from the traditionally established work hours.
- Compensation Code means the workweek designation (either 35-hour based - 35, 3E, NL, NE or 40-hour based - 40, 4E, or N4) assigned to a title by the Civil Service Commission, in compliance with the Fair Labor Standards Act.
- Cost Center Manager means the manager responsible for a significant organizational entity reporting to the Commissioner, Deputy Commissioner, Chief of Staff, or an Assistant Commissioner.
- Employee means any individual hired to work for the Department, whether in the Career, Unclassified or Senior Executive Service on a full-time, part-time, or intermittent basis.
- Exempt Employee means an employee holding a title with a compensation code of 3E, 4E, NL or N4.
- Non-exempt Employee means an employee holding a title with a compensation code of 35 or 40 hours or NE.
- Supervisor means the individual responsible for preparing, evaluating and signing the employee's Performance Assessment Review (PAR) or Performance Evaluation System (PES), and approving the employee's timesheet.

Forms and Attachments:

- [Attachment A](#) – AWP Application and Certification
- [Attachment B](#) – AWP Guide

Policy History:

- New Policy – 6/13/2022